

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MELVIN DAVID LEWIS,
[PP# 482807] Petitioner

V.

CYNTHIA M. NELSON, et al.,
Respondents


: CIVIL ACTION

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: NO. 06-CV-4529

FILED

MAY 30 2007

MICHAEL E. KUNZ, Cler.
By  Dep. Cler.

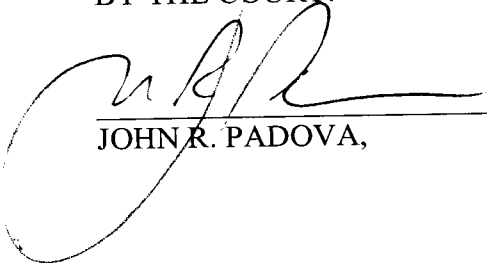
ORDER

AND NOW, this 30 day of May, 2007, upon consideration of the pleadings and the record herein, and after review of the Report and Recommendation of M. Faith Angell, United States Magistrate Judge, IT IS HEREBY **ORDERED** that:

1. The Report and Recommendation is **APPROVED and ADOPTED**.
2. The Petition for Writ of Habeas Corpus, filed pursuant to 28 U.S.C. § 2254, is **DENIED and DISMISSED WITHOUT PREJUDICE FOR FAILURE TO EXHAUST STATE COURT REMEDIES**.
3. Petitioner's *Request for an Order for Release from Custody on Own Recognizance Based on Respondents' Violation of FRAP 23* [Docket Entry #8] is **DENIED**.
4. Petitioner's *Motion to Dismiss Complaint for Respondents' Violation of Writ of Habeas Corpus Clause* [Docket Entry #9] is **DENIED**.
5. Petitioner's *Motion for Appointment of Counsel/Request Hearing for Habeas Corpus Petition* [Docket Entry #11] is **DENIED**.

There is no probable cause to issue a certificate of appealability.

BY THE COURT:


JOHN R. PADOVA,

J.